

ADMIN PROCEEDINGS STAFF

1982 JUL 20 PM 2:26

MEMORANDUM OF TELEPHONE CONVERSATION

Between:

July 13, 1982

Jonathan Kahan
Hogan and Hartson

and

Jerome A. Halperin
Acting Director
Office of Drugs
National Center for Drugs and Biologics

I spoke with Mr. Kahan at 2:45 p.m. on Tuesday, July 13. Mr. Kahan, an attorney with Hogan and Hartson, called to inquire whether the National Center had responded to the letter to Dr. Meyer from Gene Haislip at the Drug Enforcement Administration, raising questions about the abuse potential of diphenhydramine in nighttime sleep aid OTC products. He indicated his interest was in obtaining a copy of our response. I told him that I had not seen the letter personally and to my knowledge a response had not issued. He asked if it was our intent to respond to the letter directly or in the preamble to the final order on nighttime sleep aids. I told him that a final decision had not been made on that regard yet. He said his client was extremely interested in our position on diphenhydramine and asked if there was some way he could receive advance notice of when the letter was responded to so he could get a copy of it. I said that to my knowledge he could not. I suggested that if he wanted to contact Mr. Elengold to inquire how to file an FOI request to obtain a copy, if and when it issues, he should do so but that I was not committing to advise him of any impending action by the agency or any time that that action might be taken. He thanked me for the information and the conversation was concluded.

Jerome A. Halperin

cc:

HFD-1

HFD-2

HFD-4

HFD-5/Mr. Elengold

HFD-510

✓ HFA-305

HFA-224

JAHalperin:ebp:7/19/82

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